



Connecticut Department of Public Health

Testimony Presented Before the Committee on Aging Committee

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**House Bill 6552, An Act Concerning the Rights of Residents in Long-Term Care Facilities
to Use the Technology of Their Choice for Virtual Connections to Family, Friends and Other
Persons**

The Department of Public Health (DPH) provides the following information in regards to House Bill 6552, which will allow residents of long-term care facilities or their representatives to use virtual monitoring technology and virtual visitation in the resident's room or their living quarters, provided any roommate agrees in writing to the use of such devices, and provided that liability for any breach of privacy related to the resident's use of such device is waived for the facility. Thank you for the opportunity to testify on this important issue.

DPH has jurisdiction over nursing homes through state and federal statutory designation. However, the Department does not have jurisdiction over managed residential communities unless the residents in such community are receiving services from an assisted living services agency. If a resident in a managed residential community is receiving services from a DPH-licensed assisted living services agency, DPH only has jurisdiction over the services being provided by the assisted living services agency.

DPH, on behalf of the Centers for Medicare and Medicaid Services (CMS), conducts annual certification activities in nursing homes to ensure compliance with all state and federal laws and regulations. When considering language for electronic monitoring of residents in the long-term care setting, the Department provides the Committee with the following federal conditions of participation that pertain to the nursing home setting.

In accordance with §483.10(h) of the U.S. Code of Federal Regulations (CFR), each resident has a right to privacy for all aspects of care and confidentiality. A nursing home resident has the right to personal privacy of not only his or her own physical body, but of his or her personal space - including accommodations and personal care. Ensuring informed consent when electronic monitoring will be utilized for both the resident and if applicable, a roommate, is critical to the process.

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Further, §483.10(j) and §483.10(j)(1) of the CFR speak to a resident's right to voice grievances to the facility or other agency or entity that hears grievances without discrimination or reprisal, and without fear of discrimination or reprisal. Such grievances include those with respect to care and treatment as well as the behavior of staff and of other residents, and other concerns regarding their stay. During the course of survey activities, grievance files are reviewed to ensure adequacy of the response or action taken when a grievance is made known.

Additionally, in accordance with Section 19-13-D8t(g) of the Regulations of Connecticut State Agencies, all allegations of resident abuse are required to be reported immediately to DPH. All reports of resident abuse are reviewed for investigation.

Lastly, this bill defines virtual visitation and includes language that promotes the residents' rights to use technology for these types of visitation. The Department strongly supports any language that facilitates communication between the resident and their representatives and family members. As we learned during the COVID-19 Pandemic, when visitation is restricted virtual communication with representatives and family is crucial to the well-being of the resident.

Thank you for your consideration of this information.